**APPENDIX B**
**Notice of Preparation and Comment Letters Received**

This notice was posted on AUG 07 2012
and will remain posted for a period of thirty days
until thru 9/7/12

JANICE ATKINSON, Co. Clerk
BY: DEPUTY CLERK

# Notice of Preparation of Initial Study

July 20, 2012

TO: State Clearinghouse
Responsible and Trustee Agencies
Interested Agencies and Parties

FROM: Sonoma County Water Agency
404 Aviation Blvd.
Santa Rosa, CA 95403

## Mirabel Fish Screen and Fish Ladder Replacement Project

The Sonoma County Water Agency (Water Agency) is preparing an Initial Study for the Mirabel Fish Screen and Fish Ladder Replacement Project. An Initial Study is a preliminary analysis of a project's potential environmental impacts used to determine whether a Negative Declaration or an Environmental Impact Report will be prepared. It is a public document that analyzes the potential environmental effects related to construction, operation, and maintenance of a project and describes ways to reduce or avoid possible environmental impacts.

The Initial Study for the Mirabel Fish Screen and Fish Ladder Replacement Project will be prepared in accordance with the provisions of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the Water Agency's *Procedures for the Implementation of CEQA*. The Water Agency will act as the Lead Agency pursuant to CEQA, and will consider all comments received in response to this Notice of Preparation (NOP), including comments from responsible and trustee agencies, property owners, and interested parties regarding the scope and content of the information to be included in the Initial Study. Agencies and interested members of the public are invited to provide input on the scope and content of the environmental information that should be included in the Initial Study.

ORIGINAL DOCUMENT
SONOMA COUNTY WATER AGENCY

SEP 18 2012
TO: CONED

## SONOMA COUNTY WATER AGENCY

The Water Agency is a special district created by the California Legislature and operates under the direction of a Board of Directors, composed of the members of the Sonoma County Board of Supervisors. The law that created the Water Agency and defines its powers and duties authorizes it to produce and furnish surface water and groundwater for beneficial uses, to control flood waters, to generate electricity, to provide recreational facilities in connection with Water Agency water supply facilities, and to treat and dispose of wastewater.

## BACKGROUND INFORMATION

The Russian River originates in central Mendocino County approximately 15 miles north of Ukiah. The Russian River watershed is shown on Figure 1. It drains an area of approximately 1,485 square miles, including much of Mendocino and Sonoma counties, and empties into the Pacific Ocean at Jenner in Sonoma County, about 20 miles west of Santa Rosa. The main channel of the Russian River is about 110 miles long and runs generally southward from its headwaters near Redwood and Potter Valleys, to Mirabel Park, where the channel's direction changes to generally westward as it crosses the Coast Range. Principal Russian River tributaries are the East Fork of the Russian River [which receives water diverted from the Eel River through Pacific Gas and Electric Company's (PG&E) Potter Valley Project], Big Sulphur Creek, Maacama Creek, Dry Creek, and Mark West Creek. Communities and cities along the Russian River include Ukiah, Hopland, Cloverdale, Geyserville, Healdsburg, Forestville, Mirabel Park, Rio Nido, Guerneville, Monte Rio, Duncans Mills, and Jenner.

Two major reservoir projects provide water supply storage in the Russian River watershed: 1) Coyote Valley Dam/Lake Mendocino, located on the East Fork of the Russian River three miles east of Ukiah, and 2) Warm Springs Dam/Lake Sonoma, located on Dry Creek 14 miles northwest of Healdsburg. The Water Agency is the local sponsor for these two federal water supply and flood control projects, collectively referred to as the Russian River Project. Under agreements with the United States Army Corps of Engineers (USACE), the Water Agency manages the water supply storage space in these reservoirs to provide a water supply and maintain summertime Russian River and Dry Creek streamflows. The Water Agency releases water from storage in these reservoirs where it flows downstream to the Water Agency's primary points of diversion at Wohler and Mirabel Park. At Wohler and Mirabel Park, the Water Agency operates a series of wells that pump water from the aquifer beneath the Russian River and deliver that water through its transmission pipeline system to municipalities, where the water is used primarily for residential, governmental, commercial, and industrial purposes.

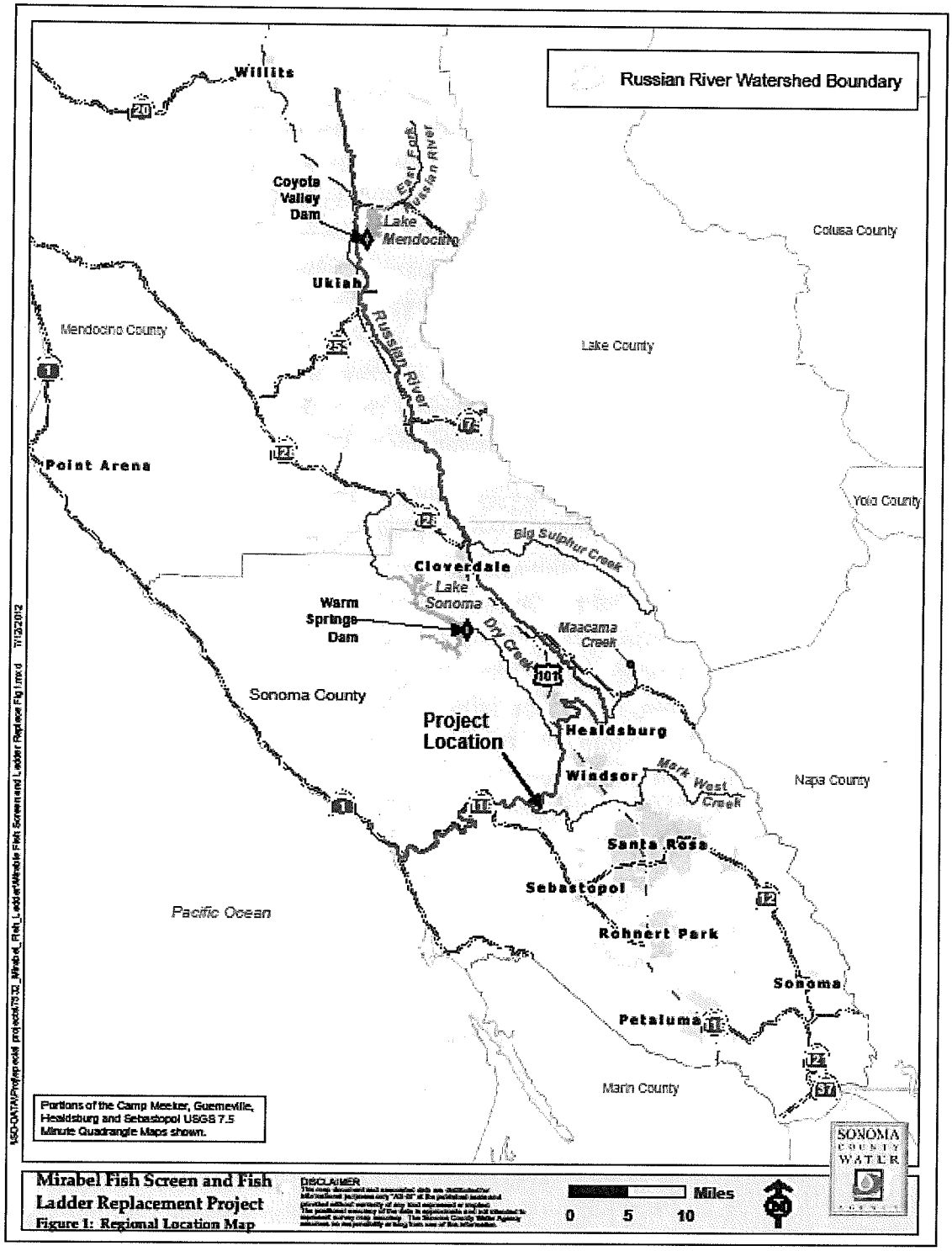


Figure 1. Russian River Watershed

At Mirabel, the Water Agency operates an inflatable dam approximately 2,600 feet downstream of the Wohler Bridge (Figure 2) that is used seasonally. When the dam is inflated, the water level behind the dam rises by 11 feet, which submerges a diversion structure consisting of drum fish screens and pump intake piping. (Figures 3 and 4). The Water Agency uses this diversion structure to pump water from the Russian River into infiltration ponds adjacent to the Russian River. These infiltration ponds help to recharge the gravel aquifer underneath the Russian River and enhances the Water Agency's ability to more efficiently collect naturally filtered groundwater. When the dam is inflated, two fish ladders on either end of the dam allow fish passage. The Water Agency operates a video monitoring system at the fish ladders to track fish passing upstream or downstream of the inflatable rubber dam. The replacement of the existing fish screens, the modification of the intake structure, and the modification of one of the existing fish ladders is the subject of the Mirabel Fish Screen and Fish Ladder Replacement Project.

The replacement of the Mirabel fish screen portion of the project is required by the National Marine Fisheries Service (NMFS) 2008 *Biological Opinion for Water Supply, Flood Control Operations, and Channel Maintenance conducted by the U.S. Army Corps of Engineers, the Sonoma County Water Agency, and the Mendocino County Russian River Flood Control and Water Conservation District in the Russian River Watershed* (Russian River Biological Opinion). Studies found that the existing fish screening facilities at the diversion structure perform less than adequately for full protection of fish and downstream migration. NMFS' Russian River Biological Opinion requires that the fish screens be replaced by October 2014 to meet contemporary performance criteria. These guidelines and criteria are summarized in a document prepared by NMFS titled "Fish Screening Criteria for Anadromous Salmonids" (NMFS 1997).

Additionally, the Water Agency is interested in replacing one of the existing fish ladders to complement the new fish screens and to better enhance fish passage while increasing operational flexibility with the inflatable dam. The Water Agency currently inflates the dam with a notch to concentrate flows over a specific portion of the dam (Figure 5). Fish monitoring studies have shown that fish passage downstream over the inflatable dam is enhanced through the addition of this notch. However, maintaining this notch presents operational challenges. With the notch in the dam, it is not possible to maintain consistent downstream flows due to the expansion and contraction of the dam in response to heat and sunlight. The proposed fish ladder replacement would allow for flows through the fish ladder that are attractive to fish migrating downstream, so that notching the inflatable dam would no longer be necessary. In addition to reduce current operational challenges, the proposed design of the new fish ladder (proposed vertical slot fish ladder versus the existing

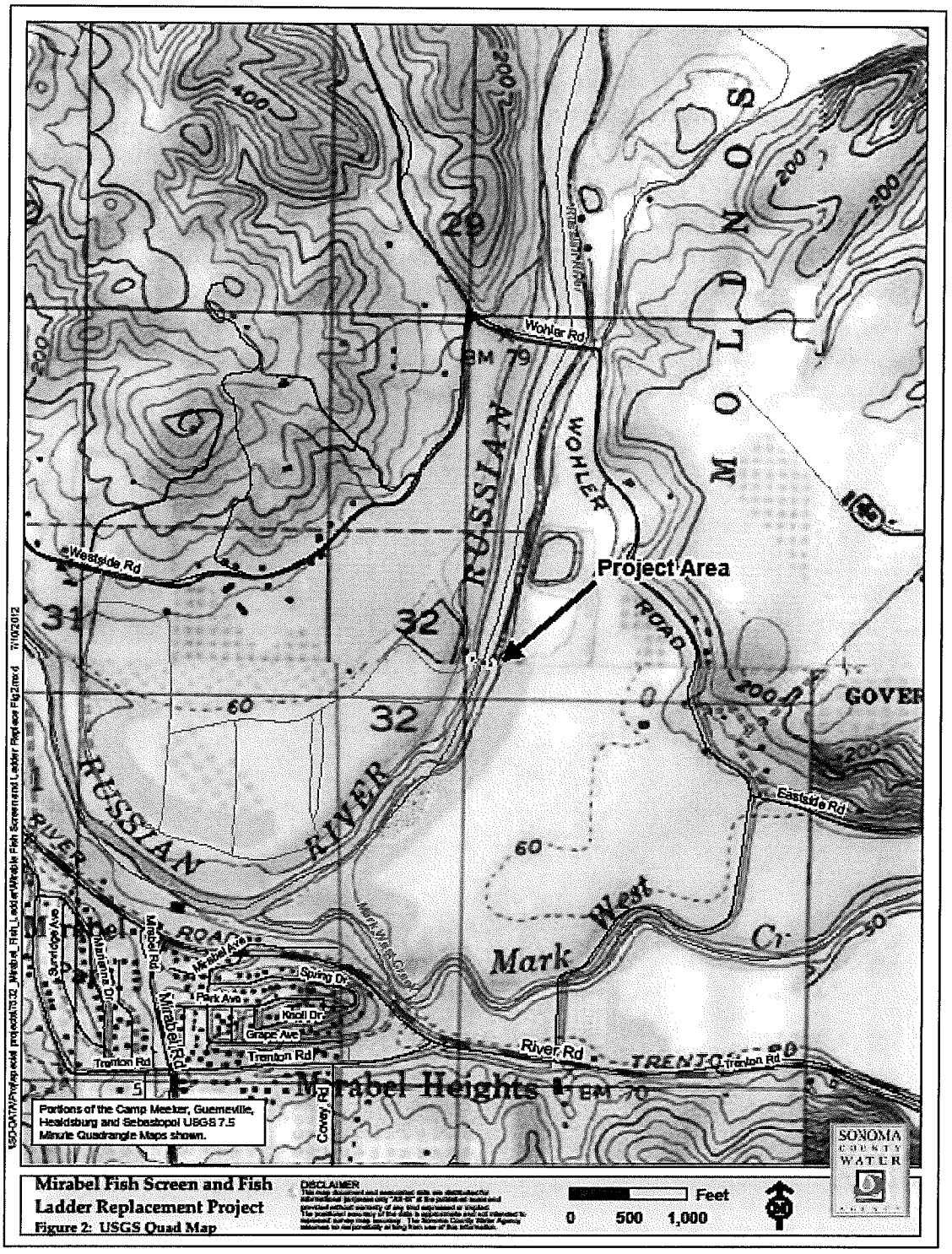


Figure 2. Location of Mirabel Inflatable Dam

Denil type fish ladder) would expand the range of flows and water levels that the fish ladder would be effective for fish passage.

A redesign of the fish ladder would allow the Water Agency to enhance existing video monitoring and provide better opportunities to view fish migration. The new fish ladder facility would contain a dedicated viewing window room that would house the video monitoring equipment and would only be accessible to employees. A separate viewing window area and viewing platform are also proposed as part of the upgrades to the facility. The Water Agency currently brings approximately 3,500 schoolchildren to the existing fish ladder facility at Mirabel as part of the Water Agency's Water Education Program. The proposed viewing areas will enhance the visitor experience by providing a better overall view of the facility and by providing a view into the side of the fish ladder. During the migration season, the viewing window would allow people to see fish moving through the fish ladder.


Figure 3. Existing Mirabel Fish Ladder and Fish Screen/Intake Structures

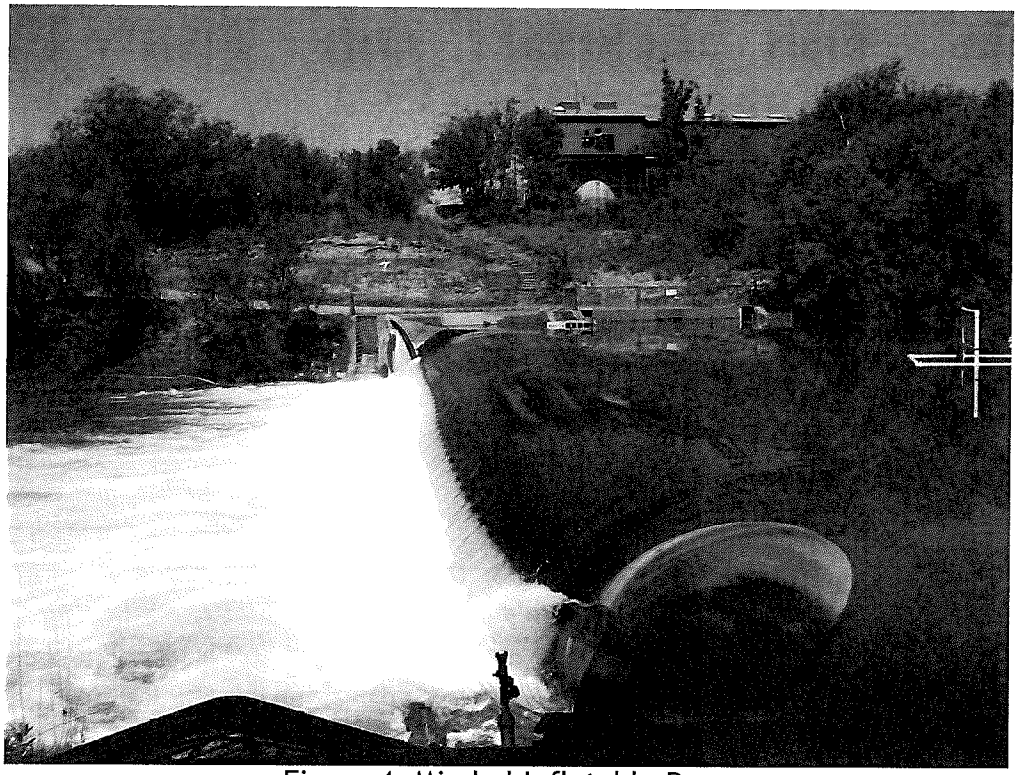

Figure 4. Mirabel Inflatable Dam

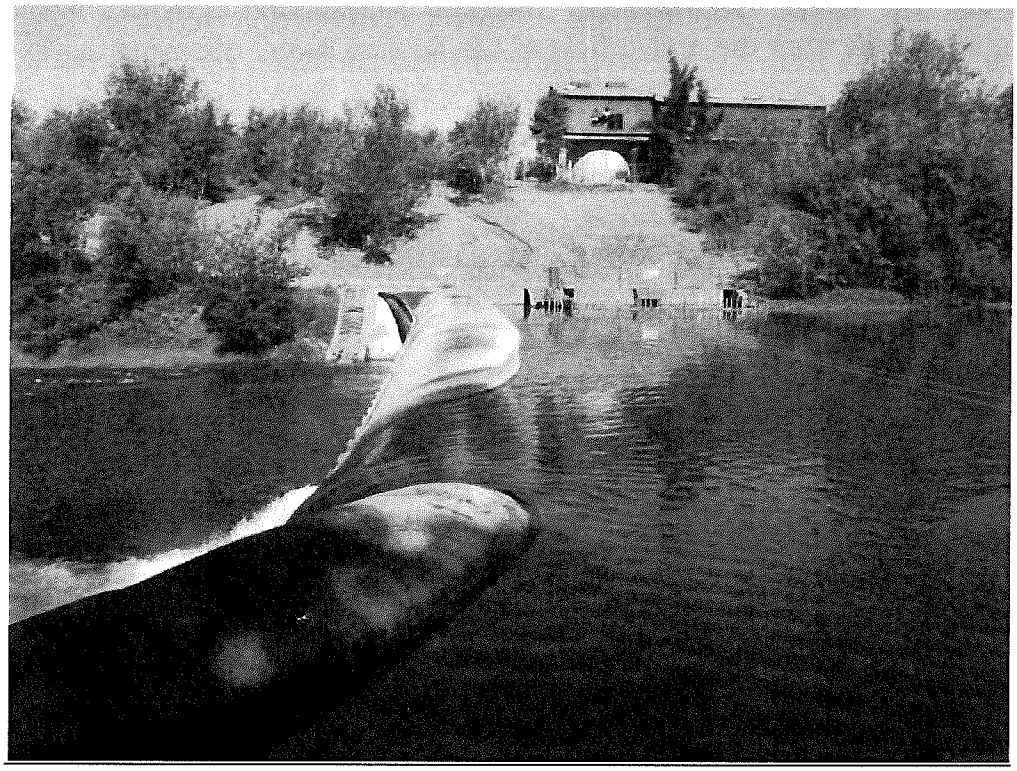

Figure 5. Mirabel Inflatable Dam With Notch

# MIRABEL FISH SCREEN AND FISH LADDER REPLACEMENT PROJECT

## Objective

The objective of the Mirabel Fish Screen and Fish Ladder Replacement Project is to provide a fish screen that meets hydraulic design criteria to avoid impacts for threatened and endangered fish, maintain or improve fish passage at the fish ladder, and to improve monitoring and educational opportunities at the Mirabel inflatable dam and diversion facilities.

## Location

The Mirabel Fish Screen and Fish Ladder Replacement Project would be located at the site of the Water Agency's existing inflatable rubber dam along the Russian River approximately 2,600 feet downstream of the Wohler Bridge in Sonoma County, California. Proposed improvements would occur on the western bank of the Russian River. No improvements are proposed for the existing fish ladder on the eastern bank of the Russian River.

## Description

Project components consist of those relating to the fish screen replacement and those relating to the fish ladder modifications. Project construction activities would require isolating the work area from the active flow of the Russian River, removing the existing fish screen/intake and fish ladder structures on the western bank of the Russian River, and constructing the new fish screen/intake and fish ladder structures. The new facilities would extend approximately 40 feet farther upstream and approximately 100 feet farther downstream than the existing facilities. This larger footprint is necessary to meet contemporary fish screen and fish passage design criteria. Figure 6 shows a conceptual design drawing of the proposed project components.

### Fish Screen

The proposed intake screen would consist of six 12-foot tall by 6-foot wide panels, with a total area of 432 square feet. The new fish screens would also incorporate a cleaning system to ensure that the screen material does not become clogged. Clogged screens result in higher flows through unclogged portions of the screen, which can lead to fish getting trapped against the screen. The cleaning mechanism is anticipated to be an electric motor-driven mechanical brush system that periodically moves back and forth to clean the intake screen structure.

Fish Ladder

A vertical slot type fish ladder is the recommended fishway to provide passage for upstream migrating salmonids. Vertical slot fish ladders are commonly used for salmon and steelhead (among other fish species) throughout the world. A vertical slot fish ladder consists of a sloped, reinforced concrete rectangular channel separated by vertical baffles with 15-inch wide slots that extend down to the entire depth of the baffle. The baffles are located at even increments to create a step-like arrangement of resting pools.

The design would be self-regulating and provide consistent velocities, flow depths, and water surface differentials at each slot throughout a range of operating conditions. It is anticipated that the ladder will be configured to accommodate a range of fish passage conditions while the inflatable rubber dam is up and river flows range from 125 to 800 cfs. Fish passage while the dam is down would also be accommodated, but is not the primary focus of design.

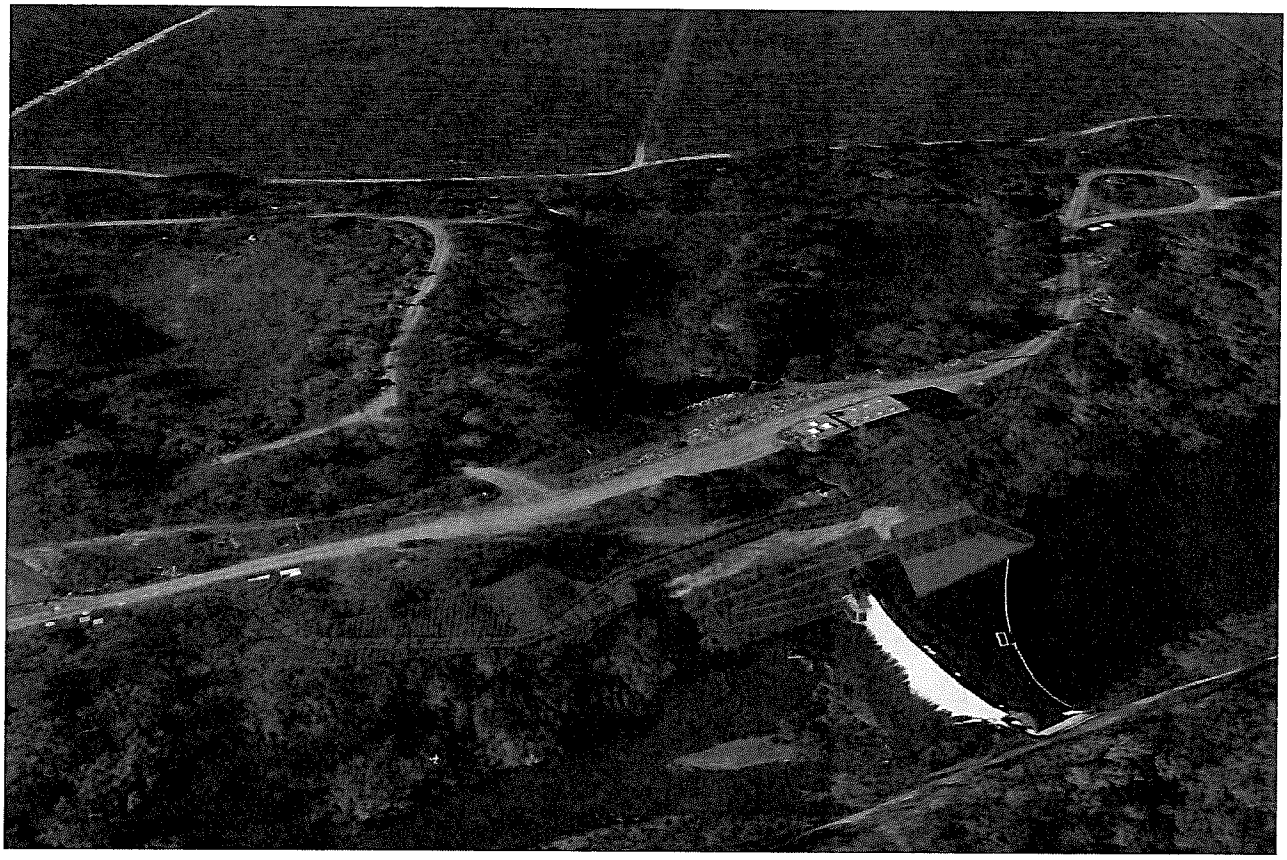

Figure 6. Mirabel Fish Screen and Fish Ladder Replacement Project Site Plan

Supporting Components

The project design would also include a variety of other components that would support the primary fish screen and fish ladder aspects of the project. These other components consist of items such as replacement of the buoy warning line upstream of the inflatable dam, modification of the existing access road to the project site, and the incorporation of a viewing gallery and fish monitoring equipment into the project design.

## ISSUES TO BE ADDRESSED IN THE INITIAL STUDY

In accordance with CEQA, the Mirabel Fish Screen and Fish Ladder Replacement Project Initial Study will address the potential environmental impacts, either individually or cumulatively, associated with the construction, operation, and maintenance of the proposed project. Specific areas of analysis in the Initial Study will include: Aesthetics, Agricultural Resources, Air Quality, Biological/Fisheries Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use, Noise, Public Services, Recreation, Transportation/Circulation, and Utilities and Service Systems. Where feasible, mitigation measures will be proposed to reduce or avoid impacts. Other areas of analysis may be added based on input from the public and public agencies during the NOP review period. Decision-makers, responsible and trustee agencies under CEQA, and interested persons and parties will also have an opportunity to comment on the Initial Study after it is published and circulated for public review.

## JURISDICTIONAL/PERMITTING AGENCIES

The following are public entities and agencies that may require review of the project or that may have jurisdiction over the project area:

- U.S. Army Corps of Engineers
- National Marine Fisheries Service
- California Department of Fish and Game
- Regional Water Quality Control Board, North Coast Region
- Sonoma County Permit and Resource Management Department

## PUBLIC COMMENT PERIOD FOR THIS NOTICE OF PREPARATION

The public comment period will close at 5:00 p.m. on August 24, 2012, which is 35 days after the date of publication. Please include a name, address, and telephone number of a contact person in your agency for all future correspondence on this subject. Please send comments to:

**David Cuneo**
**Sonoma County Water Agency**
**404 Aviation Boulevard**
**Santa Rosa, CA 95403.**

Comments may also be submitted electronically to: david.cuneo@scwa.ca.gov

Documents or files related to the Mirabel Fish Screen and Fish Ladder Replacement Project are available for review online at www.sonomacountywater.org, or at the Water Agency's office located at 404 Aviation Boulevard, Santa Rosa, California, 95403. If you have any questions regarding this Notice of Preparation, or if you wish to update information on our mailing list, please contact David Cuneo, Senior Environmental Specialist, at (707) 547-1935.

You may also submit comments electronically at the Water Agency's website:

www.sonomacountywater.org/rrifr

State of California – The Natural Resources Agency
DEPARTMENT OF FISH AND GAME
Bay Delta Region
7329 Silverado Trail
Napa, CA 94558
(707) 944-5500
www.dfg.ca.gov

**EDMUND G. BROWN JR.**, *Governor*
**CHARLTON H. BONHAM,** *Director*

August 23, 2012

Mr. David Cuneo
Sonoma County Water Agency
404 Aviation Boulevard
Santa Rosa, CA 95403

Dear Mr. Cuneo:

Subject: Mirabel Fish Screen and Fish Ladder Replacement Project, Notice of Preparation, SCH #2012082040, Sonoma County

The Department of Fish and Game (DFG) has reviewed the documents provided for the subject project, and we have the following comments.

Please provide a complete assessment (including but not limited to type, quantity and locations) of the habitats, flora and fauna within and adjacent to the project area, including endangered, threatened, and locally unique species and sensitive habitats. The assessment should include the reasonably foreseeable direct and indirect changes (temporary and permanent) that may occur with implementation of the project. Rare, threatened and endangered species to be addressed should include all those which meet the California Environmental Quality Act (CEQA) definition (see CEQA Guidelines, Section 15380). DFG recommended survey and monitoring protocols and guidelines are available at http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/Protocols_for_Surveying_and_Evaluating_Impacts.pdf.

Please be advised that a California Endangered Species Act (CESA) Permit must be obtained if the project has the potential to result in take of species of plants or animals listed under CESA, either during construction or over the life of the project. Issuance of a CESA Permit is subject to the CEQA documentation; therefore, the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the project will impact CESA listed species, early consultation is encouraged, as significant modification to the project and mitigation measures may be required in order to obtain a CESA Permit.

For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed, DFG may require a Lake and Streambed Alteration Agreement (LSAA), pursuant to Section 1600 et seq. of the Fish and Game Code, with the applicant. Issuance of an LSAA is subject to the CEQA. DFG, as a responsible agency under CEQA, will

consider the CEQA document for the project. The CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for completion of the agreement. To obtain information about the LSAA notification process, please access our website at http://www.dfg.ca.gov/habcon/1600/; or to request a notification package, contact the Lake and Streambed Alteration Program at (707) 944-5520.

If you have any questions, please contact Mr. Adam McKannay, Environmental Scientist, at (707) 944-5534; or Ms. Karen Weiss, Senior Environmental Scientist, at (707) 944-5525.

Sincerely,

Scott Wilson
Acting Regional Manager
Bay Delta Region

cc: State Clearinghouse

e✉: A. McKannay, K. Weiss
AM/rp

## David Cuneo

**From:** Payne, Elizabeth@Waterboards [Elizabeth.Payne@waterboards.ca.gov]
**Sent:** Monday, August 20, 2012 1:51 PM
**To:** David Cuneo
**Cc:** Lee, Katherine@Waterboards
**Subject:** SWRCB-Division of Water Rights comments on NOP for Mirable Fish Project draft EIR

Dear Sir,

This letter transmits the State Water Resources Control Board (SWRCB), Division of Water Rights' comments regarding the NOP of draft EIR (SCH #2012082040) for SCWA's Mirabel Fish Screen and Fish Ladder Replacement Project, in which the SWRCB, Division of Water Rights was identified as a possible reviewing agency.

The SWRCB, Division of Water Rights recently approved a Temporary Urgency Change Petition for SCWA permits 12947A, 12949, 12950, and 16596. As conditioned by the associated May 2, 2012 Order, SCWA is required to monitor and record salmonid migration at Mirabel Dam (see Terms 2 through 6 of the Order). It is unclear from the NOP whether the Project would interfere with these requirements or future TUCP requirements for salmonid monitoring.

The Division of Water Rights recommends SCWA continue compliance with the 2012 TUCP Order and ensure the Project does not interfere with terms in SCWA's existing water rights. The SWRCB, Division of Water Rights appreciates the opportunity to comment on the NOP for this project. If you have any questions, please contact me at (916) 341-5426.

Sincerely,

*Beth Payne*
Environmental Scientist
Russian River Watershed Unit
State Water Resources Control Board
Division of Water Rights
epayne@waterboards.ca.gov
phone (916) 341-5426

STATE OF CALIFORNIA

COPY

EDMUND G. BROWN JR., *Governor*

**CALIFORNIA STATE LANDS COMMISSION**
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202

ORIGINAL DOCUMENT
SONOMA COUNTY WATER AGENCY

SEP 1 2 2012

**CURTIS L. FOSSUM,** *Executive Officer*
(916) 574-1800 FAX (916) 574-1810
*California Relay Service From TDD Phone* **1-800-735-2929**
*from Voice Phone* **1-800-735-2922**

***Contact Phone:*** **(916) 574-1900**
***Contact FAX:*** **(916) 574-1885**

Proj/Mirabel Fish Screen and Fish Ladder Replacement 45-5.1-7 #P1

September 10, 2012

File Ref: SCH # 2012082040

David Cuneo
Sonoma County Water Agency
404 Aviation Blvd.
Santa Rosa, CA 95403

**Subject: Notice of Preparation (NOP) of Initial Study, Mirabel Fish Screen and Fish Ladder Replacement Project, Sonoma County**

Dear Mr. Cuneo,

The California State Lands Commission (CSLC) staff has reviewed the subject NOP of Initial Study (IS) for the Mirabel Fish Screen and Fish Ladder Replacement Project (Project) prepared by the Sonoma County Water Agency (SCWA). The SCWA, as a public agency proposing to carry out a project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The CSLC staff appreciates the opportunity to provide input as a trustee agency with responsibility for projects that could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters. The CSLC may also be a responsible agency should the Project require a lease or other approval from the CSLC, as described below.

CSLC staff notes that SCWA appears to be seeking input, by way of the NOP, on the nature and scope of Project-related effects that SCWA should consider in its IS. Under CEQA, a lead agency typically issues an "NOP" as part of required scoping for a draft environmental impact report (EIR), with a completed initial study often included with the NOP (Pub. Resources Code, §§ 21080.4, 21083.9, subd. (a); State CEQA Guidelines,[1] § 15082). Therefore, CSLC staff provides the below comments assuming (1) that SCWA is seeking preliminary input on the proposed IS consistent with various other provisions of CEQA and the State CEQA Guidelines (Pub. Resources Code, § 21080.3; State CEQA Guidelines, § 15063, subd. (g)) and (2) that, in the event the IS indicates that preparation of an EIR is necessary, SCWA will circulate a new NOP for scoping for the EIR with the initial study attached. If that assumption is incorrect, please contact Sarah Sugar at the contact information at the end of this letter.

[1] The State "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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## CSLC Jurisdiction and Public Trust Lands

The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6301, 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.

As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. On navigable non-tidal waterways, including lakes, the State holds fee ownership of the bed of the waterway landward to the ordinary low water mark and a Public Trust easement landward to the ordinary high water mark, except where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.

Section 6327 of the Public Resources Code provides that the CSLC "may, upon written application, grant a permit for the use and occupancy of state lands under the jurisdiction of the [CSLC] for the installation of facilities for procurement of fresh-water from and construction of drainage facilities into navigable rivers, streams, lakes and bays, except that if such applicant obtain the required permit for such use from the local reclamation district, the Reclamation Board, the Department of Water Resources, the California Debris Commission or the Corps of Engineers of the United States Army, then such application shall not be required by the State Lands Commission."

Upon review of the information contained in the NOP, CSLC staff understands that the proposed Project to replace existing fish screens and modify one of the existing fish ladders located at the Mirabel area inflatable dam may include work waterward of the ordinary low water mark of the Russian River, which is State-owned sovereign land under the jurisdiction of the CSLC. However, because this Project falls within the description of Public Resources Code section 6327, a lease and formal authorization from the CSLC is not required, provided the SCWA provides CSLC staff with a copy of one of the above-listed permits. Please contact Ninette Lee at the contact information at the end of this letter for more information on section 6327 requirements.

## Project Description

The SCWA proposes to replace existing fish screens and modify an existing water intake structure and one of two fish ladders at the inflatable dam at Mirabel Park to meet the agency's objectives and needs as follows:

- Provide a fish screen that meets hydraulic design criteria to avoid impacts for threatened and endangered fish;
- Maintain or improve fish passage at the fish ladder; and
- Improve monitoring and educational opportunities at the Mirabel inflatable dam and diversion facilities.

As described in the NOP, the Project would include the following components:

- Fish Screen. Replace existing fish screens at the water diversion structure with screens that meet the National Marine Fisheries Service's (NMFS) "Fish Screening Criteria for Anadromous Salmonids" and more fully protect fish and their downstream migration.
- Fish Ladder. Replace one of the two existing Denil-type fish ladders at the dam with a new vertical slot fish ladder to preclude having to "notch" the inflatable dam, thus improving control over the consistency of downstream flows; the new ladder would also allow SCWA to enhance existing video monitoring and improve public viewing of fish migration.
- Supporting Components. Replace an upstream buoy warning line, modify the existing access road to the site, and incorporate a viewing gallery and fish monitoring equipment into the Project design.

**Environmental Review**

Pursuant to the State CEQA Guidelines, section 15063, subd. (g), a lead agency preparing an initial study is expected to consult with trustee and responsible agencies to obtain recommendations on whether an EIR or Negative Declaration (ND) should be prepared. Based on the level of specificity in the NOP, CSLC staff is unable to make such a recommendation at this time; instead, CSLC staff provides the following input on potential impacts that may be at issue if the Project is implemented and avoidance and minimization measures that should be considered by SCWA during preparation of the IS. If potentially significant impacts are identified, but Project revisions are not made by SCWA to reduce them to a less than significant level, an EIR should be prepared.

General Comments

1. Project Description: A thorough and complete Project Description should be included in the IS to facilitate meaningful environmental review of potential impacts and, if necessary, mitigation measures and alternatives. The Project Description should be as precise as possible in describing the details of all allowable activities (e.g., types of equipment or methods that may be used, maximum area of impact or volume of sediment removed or disturbed, seasonal work windows, locations for material disposal, etc.), as well as the details of the timing and length of activities. Thorough descriptions will facilitate CSLC staff's determination of the extent and locations of its leasing jurisdiction, make for a more robust analysis of the work that may be performed, and minimize the potential for subsequent environmental analysis to be required.

Biological Resources

2. Sensitive Species: The SCWA should conduct queries of the California Department of Fish and Game's (DFG) California Natural Diversity Database (CNDDB) and U.S. Fish and Wildlife Service's (USFWS) Special Status Species Database to identify any special-status plant or wildlife species that may occur in the Project area. The IS should analyze the potential for such species to occur in the Project area and, if impacts to special-status species are found to be significant, identify adequate mitigation measures.

3. Construction Noise: The IS should also evaluate noise and vibration impacts on fish and birds from construction activities in the water and for land-side supporting structures. Mitigation measures could include species-specific work windows as defined by DFG, USFWS, and NMFS. Again, staff recommends early consultation with these agencies to minimize the impacts of the Project on sensitive species.

Climate Change

4. Greenhouse Gases: A greenhouse gas (GHG) emissions analysis consistent with the California Global Warming Solutions Act (AB 32) and required by the State CEQA Guidelines should be included in the IS. This analysis should identify a threshold for significance for GHG emissions, calculate the level of GHGs that will be emitted as a result of construction and ultimate build-out of the Project, determine the significance of the impacts of those emissions, and, if impacts are significant, identify mitigation measures that would reduce them to less than significant.

Cultural Resources

5. Submerged Resources: The IS should evaluate potential impacts to submerged cultural resources in the Project area. The CSLC maintains a shipwrecks database that can assist with this analysis. CSLC staff requests that the County contact Senior Staff Counsel Pam Griggs at the contact information noted at the end of this letter to obtain shipwrecks data from the database and CSLC records for the Project site. The database includes known and potential vessels located on the State's tide and submerged lands; however, the locations of many shipwrecks remain unknown. Please note that any submerged archaeological site or submerged historic resource that has remained in State waters for more than 50 years is presumed to be significant.

6. Title to Resources: The IS should also mention that the title to all abandoned shipwrecks, archaeological sites, and historic or cultural resources on or in the tide and submerged lands of California is vested in the State and under the jurisdiction of the CSLC. CSLC staff requests that SCWA consult with Pam Griggs at the contact information noted at the end of this letter, should any cultural resources on state lands be discovered during construction of the Project.

Cumulative Effects

7. Russian River Biological Opinion (BO): In response to the NMFS' 2008 BO, SCWA has proposed other projects, including the Russian River Estuary Management Project and the Fish Habitat Flows and Water Rights Project, whose environmental impacts on the Russian River watershed may magnify or mitigate the impacts of the proposed Project. Although other projects are in various states of review and implementation and may not have established start dates, the IS should consider the potential for this Project's incremental impacts to be cumulatively considerable in light of other projects pursuant to Public Resources Code section 21094, subdivision (e).

Additional Review

8. Mitigation: In order to avoid the improper deferral of mitigation, mitigation measures should either be presented as specific, feasible, enforceable obligations, or should be presented as formulas containing "performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way" (State CEQA Guidelines §15126.4, subd. (b)).

Thank you for the opportunity to comment on the Project NOP. As a responsible agency, the CSLC will need to rely on the Final CEQA document for the issuance of any amended or new lease as specified above; therefore, please consider our comments prior to adoption or certification of an ND or EIR.

Please send additional information on the Project to the CSLC staff as plans become finalized. Please also send copies of future Project-related documents, including electronic copies of the Final ND or EIR, Notice of Determination (NOD), and, if applicable, Mitigation Monitoring and Reporting Program (MMRP), CEQA Findings and Statement of Overriding Considerations when they become available, and refer questions concerning environmental review to Sarah Sugar, Environmental Scientist, at (916) 574-2274 or via e-mail at Sarah.Sugar@slc.ca.gov. For questions concerning archaeological or historic resources under CSLC jurisdiction, please contact Senior Staff Counsel Pam Griggs at (916) 574-1854 or via email at Pamela.Griggs@slc.ca.gov. For questions concerning CSLC leasing jurisdiction, please contact Ninette Lee, Public Land Manager, at (916) 574-1869, or via email at Ninette.Lee@slc.ca.gov.

Sincerely,

Cy R. Oggins, Chief
Division of Environmental Planning
and Management

cc: Office of Planning and Research
Ninette Lee, CSLC
Pam Griggs, CSLC
Sarah Sugar, CSLC